

SECRETARY OF STATE[721]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 17A.3 and 490.135 and chapter 489, the Secretary of State hereby amends Chapter 40, "Corporations," Iowa Administrative Code.

The rules in Chapter 40 specify actions related to applications and filing requirements for corporations, including the payment and refund of fees. This amendment to Chapter 40 adopts new rule 721—40.8(489,490), which codifies the existing fees and procedures for filing biennial reports pursuant to Iowa Code sections 489.209 and 490.1622. In collecting the fees associated with Iowa Code sections 489.209 and 490.1622, the Secretary of State has followed the established procedures of previous Secretaries of State for collecting the fees. These procedures were not codified by previous Secretaries, and the current Secretary of State wishes to clarify compliance with Iowa Code chapter 17A. No new fees or increases to current fees have been added by the adoption of rule 721—40.8(489,490).

In compliance with Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are impracticable because of the immediate need for rule making to implement the provisions of this law.

The Secretary also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing with the Administrative Rules Coordinator on October 26, 2011, because the amendment confers a benefit by codifying an existing practice.

This amendment is also published herein under Notice of Intended Action as **ARC 9860B** to allow public comment.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 489.209 and 490.1622.

This amendment became effective October 26, 2011.

The following amendment is adopted.

Adopt the following new rule 721—40.8(489,490):

721—40.8(489,490) Biennial reports. The secretary of state shall collect the following fees at the time the documents described in this rule are delivered to the secretary for filing.

40.8(1) A limited liability company or a foreign limited liability company authorized to transact business in this state shall deliver to the secretary of state for filing a biennial report that meets the requirements of Iowa Code section 489.209.

a. The fee for filing and indexing a biennial report filed on paper or in a paper-based format is \$45. This fee may be provided in the form of cash, personal check, cashier's check, or money order or by secretary of state charge account.

b. The fee for an electronic filing through the secretary of state Internet Web site is \$30. This fee must be paid by check, credit card, or secretary of state charge account.

40.8(2) Each domestic corporation, and each foreign corporation authorized to transact business in this state, shall deliver to the secretary of state for filing a biennial report that meets the requirements of Iowa Code section 490.1622.

a. The fee for filing and indexing a biennial report filed on paper or in a paper-based format is \$45. This fee may be provided in the form of cash, personal check, cashier's check, or money order or by a secretary of state charge account.

b. The fee for an electronic filing through the secretary of state Internet Web site is \$30. This fee must be paid by check, credit card, or secretary of state charge account.

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